

## **REMARKS**

### **Information Disclosure Statement**

On November 13, 2000, an initial Information Disclosure Statements and the associated Form 1449 were mailed to the Patent Office. On February 1, 2001, a first supplemental Information Disclosure Statement and associated Form 1449 were mailed to the Patent Office. On October 7, 2002, copies of these Information Disclosure Statements and the associated Forms 1449 were again provided to the Patent Office along with copies of the postcards indicating initial receipt of these documents by the Patent Office. For a third time, provided herewith for consideration by the Patent Office are copies of the initial Information Disclosure Statement, associated Form 1449, and associated post card (each originally mailed November 13, 2000 and subsequently mailed October 7, 2002) and the first supplemental Information Disclosure Statement, associated Form 1449, and associated post card, (each originally mailed February 1, 2001 and subsequently mailed October 7, 2002). Consideration of these Information Disclosure Statements and the cited references is respectfully requested.

If for some reason the Examiner fails to receive the Information Disclosure Statements and associated Forms 1449 for the third time, the Applicant respectfully requests the Examiner call the undersigned so that the missing documents can be faxed immediately to the Examiner. Hopefully, this will avoid having to send the documents for a fourth time by mail.

### **Prior Art Rejections**

Claims 1-5, 11, 22-27, 29, 30, 31, and 33-51 were rejected under 35 U.S.C. 102 as being anticipated by E.P. Publication No. 0744598 to Welvaarts (hereinafter "Welvaarts"). Claims 1, 3-7, 9, 11-14, 16-20, 22, 24-27, 29-31, 33-35, 38-43, 45-47, and 49-51 were rejected under 35 U.S.C. 102 as being anticipated by U.S. Patent No. 5,859,390 to Stafford et al. (hereinafter "Stafford"). Claims 12-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,874,692 to Carruth et al. in view of Welvaarts.

Welvaarts relates to a WEIGHING APPARATUS. Welvaarts discloses a load cell 2 mounted on a frame 1 by bolts 3. A bore 4 is formed in a free end of load cell 2, in which a dish-shaped means 5 is disposed. A ball 6 is confined between dish-shaped means 5 and another dish-shaped means 7 supported on ball 6. Dish-shaped means 7 is screwed into a threaded bore which is formed in a sleeve-shaped means 8. The inner circumference of sleeve-shaped means 8 and a side of a wall 9 facing the inside of sleeve-shaped means 8 are

spaced from the outer circumference of the end of load cells 2, and the space thus formed is filled by a connecting piece 10 consisting of a resilient material

Sleeve-shaped means 8 and wall 9 form part of an auxiliary frame, on which a load to be weighed may be placed. At least a larger part of the load to be weighed, which is applied in vertical direction, will be transmitted to load cell 2 via dish 7, ball 6, and dish 5. Any forces applied in a direction deviating from the vertically downward direction will be transmitted to the load cell 2 via the confined resilient connecting piece 10, whereby said connecting piece will also prevent undesirable large movements of auxiliary frame 8,9 with respect to load cell 2 and/or frame 1.

Stafford relates to a Hospital Bed Scale Mounting Apparatus. Stafford discloses a bed 10 including a stationary support frame 12 and a weigh frame 14. As shown in Fig. 3, load cell 20 is secured to support frame 12 by fasteners 58. An elastomeric mounting block 48 and cup washer 50 are secured to a second movable end 38 of load cell 20 by a fastener 52. Mounting flanges 42 are formed integrally with weigh frame 14. A shaft 53 of fastener 52 extends upwardly through cup washer 50, mounting block 48, mounting bracket 44, through opening 36 of support frame 12, and into threaded second end 38 of load cell 20.

Claim 1 requires and Welvaarts fails to teach or disclose the combination including "...a space being defined between the stud and the mount to permit relative movement between the stud and the mount ...". Note that connecting piece 10 of Welvaarts is positioned between sleeve-shaped means 8 and the end of load cell 2. Claim 1 requires and Stafford fails to teach or disclose the combination including a "...mount being formed to include a bore,...a liner positioned to lie in the bore..." Note that mounting block 48 of Stafford is not positioned in a bore formed in mounting bracket 44. Removal of the rejection of claim 1 over Welvaarts and Stafford is respectfully requested because neither applied reference teaches the invention of claim 1. Claims 2-11 depend from claim 1. Claims 1-11 are believed to be in condition for allowance. Such allowance is respectfully requested.

Claim 12 requires and Welvaarts fails to teach or disclose the combination including "...a stud coupled to and extending from the cell block,...and a resilient liner...to transfer all force between the stud and the mount, the stud including a circular portion positioned adjacent to the resilient liner to permit the stud to move relative to the mount..." As described in the last paragraph of column 2 of page 2 of Welvaarts, connecting piece 10 does not transfer all force between load cell 2 and sleeve-shaped means 8. Furthermore, the Examiner has not suggested which, if any, structure of Welvaarts teaches a stud including a

circular portion. Claim 12 requires and Stafford fails to teach or disclose the combination including "...a resilient liner positioned in the bore..." Note that mounting block 48 of Stafford is not positioned in a bore formed in mounting bracket 44. Removal of the rejection of claim 12 over Welvaarts in combination with Carruth and Stafford is respectfully requested because neither applied reference teaches the invention of claim 12. Claims 13-21 depend from claim 12. Claims 12-21 are believed to be in condition for allowance. Such allowance is respectfully requested.

Amended claim 22 requires and Welvaarts and Stafford fail to teach or disclose the combination including a "...load cell including...a circular portion, the circular portion having a central axis,..., the central axis being perpendicular to the transmitted force...." Removal of the rejection of claim 22 over Welvaarts and Stafford is respectfully requested because neither applied reference teaches the invention of claim 22. Claims 24 and 25 depend from claim 22. Claims 22, 24, and 25 are believed to be in condition for allowance. Such allowance is respectfully requested.

Now independent claim 23 requires and Welvaarts fails to teach or disclose the combination including "...a resilient member positioned between the load cell and the mount to transmit all force between the load cell and mount." As described in the last paragraph of column 2 of page 2 of Welvaarts, connecting piece 10 does not transfer all force between load cell 2 and sleeve-shaped means 8. Removal of the rejection of claim 23 is respectfully requested because Welvaarts fails to teach the invention of claim 23.

Amended claim 26 requires and Welvaarts and Stafford fail to teach or disclose the combination including "...a liner positioned between the mount and the load cell, a space being provided between the load cell and mount to permit horizontal movement of the load cell relative to the mount..." Removal of the rejection of claim 26 over Welvaarts and Stafford is respectfully requested because neither applied reference teaches the invention of claim 26. Claims 27-31 and 33 depend from claim 26. Claims 26-31 and 33 are believed to be in condition for allowance. Such allowance is respectfully requested.

Amended claim 34 requires and Welvaarts and Stafford fail to teach or disclose the combination including "a stud extending horizontally from the cell block and having a circular portion..." The Examiner has not suggested which, if any, structure of Welvaarts teaches a stud including a circular portion. Shaft 53 of Stafford extends, vertically, not horizontally as required by amended claim 34. Removal of the rejection of claim 34 over Welvaarts and Stafford is respectfully requested because neither applied references teaches the invention of claim 34. Claims 35, 38, and 39 depend from claim 34. Claims 34, 35, 38,

and 39 are believed to be in condition for allowance. Such allowance is respectfully requested.

Now independent claim 36 requires and Welvaarts fails to teach or disclose the combination including “a stud...having a circular portion, the circular portion being spherical...” The Examiner has not suggested which, if any, structure of Welvaarts teaches a stud including a spherical portion. Removal of the rejection of claim 36 over Welvaarts is respectfully requested because Welvaarts fails to teach the invention of claim 36. Claim 37 depends from claim 36. Claims 36 and 37 are believed to be in condition for allowance. Such allowance is respectfully requested.

Amended claim 40 requires and Welvaarts and Stafford fail to teach or disclose the combination including “...weigh frame adapted to support the weight of a patient, a mattress supported on the weigh frame, and...a load cell coupled to the weigh frame, a mount coupled to the intermediate frame...” Note that in Welvaarts, the load to be weighed is placed on an auxiliary frame at least partially formed by sleeve-shaped means 8 and wall 9 (see page 2, column 2, lines 46-48) and load cell 2 is coupled to frame 1, not sleeve-shaped means 8 or wall 9. Similarly, a patient is placed on deck 18 of Stafford that is coupled to weigh frame 14 and load cell 20 is coupled to support frame 12, not weigh frame 14. Removal of the rejection of claim 40 over Welvaarts and Stafford is respectfully requested because neither applied references teaches the invention of claim 40. Claims 41-43 depend from claim 40. Claims 40-43 are believed to be in condition for allowance. Such allowance is respectfully requested.

Now independent claim 44 requires and Welvaarts fails to teach or disclose the combination including a “...circular portion,...the liner being positioned under the circular portion.” The Examiner has not suggested which, if any, structure of Welvaarts teaches a stud including a circular portion. Removal of the rejection of claim 44 over Welvaarts is respectfully requested because Welvaarts fails to teach the invention of claim 44. Claim 44 is believed to be in condition for allowance. Such allowance is respectfully requested.

Claim 45 requires and Welvaarts and Stafford fail to teach or disclose the combination including “...the cell block having a longitudinal axis...a stud coupled ...to extend along the longitudinal axis, and...liner being configured to permit sliding of the stud relative to the mount...” The Examiner has not suggested which, if any, structure of Welvaarts teaches sliding of a stud relative to a mount. Similarly, the Examiner has not suggested which, if any, structure of Stafford teaches a stud that extends along a longitudinal

axis of a cell block. Removal of the rejection of claim 45 over Welvaarts and Stafford is respectfully requested because neither applied reference teaches the invention of claim 45. Claims 46-51 depend from claim 45. Claims 46-51 are believed to be in condition for allowance. Such allowance is respectfully requested.

#### Allowable Claims

The allowability of claims 6-8, 10, 21, 28, and 32 is acknowledged. Claims 28 and 32 have been rewritten in independent form. Claims 6-8, 10, and 21 remain as dependent claims.

#### New Claims

New dependent claims 52-65 are provided herein. Consideration of these new dependent claims is respectfully requested.

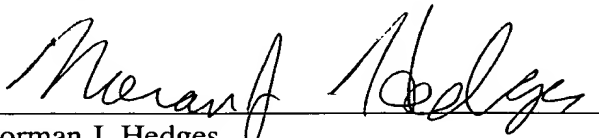
#### Final Remarks

Claims 1-65 are believed to be in condition for allowance. Such allowance is respectfully requested.

If necessary, please consider this a Petition for Extension of Time to effect a timely response. Please charge any additional fees or credits to the account of Bose McKinney & Evans, LLP Deposit Account No. 02-3223. In the event that there are any questions related to these amendments or to the application in general, the undersigned would appreciate the opportunity to address those questions directly in a telephone interview to expedite the prosecution of this application for all concerned.

Respectfully submitted,

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